

# MEMORANDUM

GOE

AGENDA ITEM NO. 3 (L)

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**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

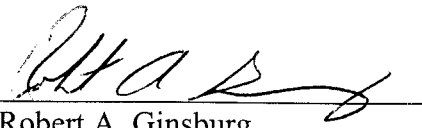
**DATE:** September 16, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Resolution relating to the  
overcrowding relief of public  
school

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

  
Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** October 7, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
10-7-03

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING CREATION OF WORKING GROUP ON PUBLIC SCHOOLS CONCURRENCY AND OVERCROWDING RELIEF; PROVIDING FOR WORKING GROUP PURPOSE AND MEMBERSHIP; DIRECTING COUNTY MANAGER TO COORDINATE WITH SCHOOL BOARD OF MIAMI-DADE COUNTY AND CERTAIN INTERESTED PARTIES FOR WORKING GROUP ESTABLISHMENT, APPOINTMENT OF MEMBERS, STAFFING AND IDENTIFICATION OF RESOURCES; DIRECTING COUNTY MANAGER AND REQUESTING THE SUPERINTENDENT OF THE SCHOOL BOARD TO PROVIDE APPROPRIATE STAFF; DIRECTING THE WORKING GROUP TO PROVIDE A REPORT

**WHEREAS**, this Board has determined that the safe, convenient, orderly and adequate provision of public school facilities is integral to the health, safety, and general welfare of all of the residents of Miami-Dade County; and

**WHEREAS**, this Board has determined that it is essential to cooperate with the School Board of Miami-Dade County, the municipalities of the County, the parents and students of the public school system, the residential development industry, and other governmental and private entities and interests to provide a county-wide system of public school facilities in a timely manner and at appropriate locations, among other means by providing school capacity for projected new growth; and

**WHEREAS**, consistent with the desires of this Board, the Legislature of the State of Florida has provided in Sections 1013.33 and 1013.35, Florida Statutes, that school districts and local governments shall coordinate planning to ensure that the construction and opening of

public educational facilities are coordinated in time and place with plans for residential development; and

**WHEREAS**, Section 163.3177(3)(a), Florida Statutes, requires coordination between local governments with land use regulatory authority and school boards to provide for adequate land proximate to residential development to meet projected needs for schools; and

**WHEREAS**, Section 163.3177(3)(h)(2.), Florida Statutes, requires local government comprehensive plans to include an intergovernmental coordination element stating principles and guidelines for coordinating adopted comprehensive plans with the plans of school boards, including joint processes for collaborative planning and decisionmaking on population projections and school siting; and

**WHEREAS**, Section 163.3177(3)(h)(4.), Florida Statutes, requires local governments adopting a public educational facilities element in their comprehensive plans to execute an interlocal agreement among the district school board, the county and certain municipalities requiring specific actions to coordinate sharing of information, joint planning for development and school siting, and joint planning for adequate infrastructure to support school sites; and

**WHEREAS**, this Board has adopted provisions in both the intergovernmental coordination element and the educational facilities element of the Miami-Dade County Comprehensive Development Master Plan (CDMP) satisfying the requirements of law and calling for cooperation and coordination with appropriate entities to provide for adequate public school facilities; and

**WHEREAS**, consistent with law and with the CDMP, this Board approved on February 20, 2003, an Interlocal Agreement for Public School Facility Planning in Miami-Dade County, among Miami-Dade County, the School Board of Miami-Dade County, and the

municipalities of Miami-Dade County, which provides for specific methods and schedules for sharing of information, coordination of school siting with residential development, and provision of infrastructure to support new and expanded public schools; and

**WHEREAS**, the clear and express desire and intent of this Board, of the School Board of Miami-Dade County, of the municipalities of Miami-Dade County, and of the Legislature of the State of Florida, as well as the desire of other governmental and private entities and interest groups, is to take prompt, meaningful and effective measures to assure that public school capacity is available when and where residential growth occurs, with adequate infrastructure ready and available to accommodate new and expanded public school facilities; and

**WHEREAS**, the Legislature of the State of Florida in Section 163.3180(13), Florida Statutes, has provided a specific and effective tool useful to address the widely-held and clear desire to provide adequate public school facilities, which have not been provided to date, and that tool is an adopted comprehensive plan provision establishing level of service standards for a school concurrency system; and

**WHEREAS**, this Board desires to establish a working group to design and recommend level of service standards for a public school concurrency system consistent with the requirements of Section 163.3180(13), Florida Statutes, including requirements for financial feasibility and intergovernmental coordination, and to recommend other appropriate measures deemed feasible to assure that public school capacity is available whenever and wherever residential growth occurs,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** The Miami-Dade County Working Group on Public School Concurrency and Overcrowding Relief (herein, “Working Group”) is hereby established.

**Section 2.** The Working Group is directed to develop, design and recommend a level of service standard for public school concurrency, in the form of an application to amend the public school facilities element of the Miami-Dade County CDMP, and to recommend other measures deemed feasible to assure that public school capacity is available whenever and wherever residential growth occurs. The recommended level of service standard shall comport with all requirements of law for such standards, including but not limited to Section 163.3180, Florida Statutes. In fulfilling its purpose, the Working Group is directed to identify and request such resources needed for the Working Group to fulfill its purpose, including but not limited to experts and consultants.

**Section 3.** The membership of the Working Group shall be as provided herein, and a quorum shall consist of a majority of the number of members appointed.

- (1) two members of the Board of County Commissioners who represent districts with high rates of new residential development, to be appointed by the Chair;
- (2) two members of the School Board of Miami-Dade County who represent districts with high rates of residential growth;
- (3) two members of the Miami-Dade delegation to the Legislature of the State of Florida, one from the House of Representatives and one from the Florida Senate, as designated by the delegation;
- (4) two members selected by the Miami-Dade League of Cities, one representing a city with more than 50, 000 residents and one representing a city with fewer than 50,000 residents;

- (5) one member selected by the State Oversight Board for the School Board of Miami-Dade County;
- (6) two members selected by the county-wide Parent and Teachers Association of the Miami-Dade County public school system;
- (7) one member selected by the Builders Association of South Florida; and
- (8) one member selected by the Latin Builders Association.

**Section 4.** The County Manager is directed to contact the parties listed above to coordinate appointment of members, establish the places and times of meetings, and establish initial Working Group procedures. The County Manager and the County Attorney are directed to provide appropriate staffing to the Working Group, and the County Manager is directed to request that the Superintendent of the Miami-Dade County School Board provide similar staffing and resources. The County Manager is directed and the Superintendent is requested to identify additional resources requested by the Working Group to fulfill its purpose.

**Section 5.** On or before June 30, 2004, the Working Group is directed to provide to this Board and to the School Board of Miami-Dade County a report containing its recommendations and findings.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson  
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro  
Betty T. Ferguson  
Joe A. Martinez  
Dennis C. Moss  
Natacha Seijas  
Sen. Javier D. Souto

Jose "Pepe" Diaz  
Sally A. Heyman  
Jimmy L. Morales  
Dorrian D. Rolle  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of October, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Joni Armstrong Coffey